

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DWAYNE OLANDO BUCKNER,

Plaintiff,

-vs-

Case No. 15-C-0933

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

DECISION AND ORDER

Plaintiff Dwayne Olando Buckner (“Buckner”) seeks leave to proceed *in forma pauperis* (“IFP”) (ECF No. 2) on his appeal from the denial of his application for supplemental security income benefits. In order to authorize a litigant to proceed IFP, the Court must make two determinations: first, whether the litigant is unable to pay the costs of commencing this action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a) and (e)(2)(B)(i). The Court must deny a request to proceed IFP if (1) the allegation of poverty is untrue; (2) the action is frivolous; (3) the action fails to state a claim; or (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2).

By his petition and affidavit to proceed IFP, Buckner avers that he is married and has a monthly income of \$194 in the form of in public assistance.

He does not own any valuable tangible or intangible property. (Pet. 3.) His monthly expenses total \$944. He is currently “behind on his utility payments.” (*Id.* at 4.) He and his wife are living with his mother who is supporting both of them.

Based on the information provided, Buckner has satisfied the requirements of 28 U.S.C. § 1915(a) by demonstrating that he is unable to pay the \$350 filing fee for this action. Furthermore, Buckner’s Complaint states an arguable claim for relief. Accordingly, Buckner’s petition for leave to proceed IFP is granted.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**

Buckner’s motion for leave to proceed IFP (ECF No. 2) is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 13th day of August, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge